

**TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
SEPTEMBER 19, 2016**

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called to order on Monday, September 19, 2016 by Mayor Feldkamp. The meeting was held at Columbine Valley Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123. A quorum was declared present at 7:00 p.m.

PRESENT	Mayor	Tom Feldkamp
	Trustees	Jane Carlson
		Barb Cole
		Anne Justen
		Marsha Dennis
		Carrie McLaughlin
		Steve Fabricant
	Attorney	Brian Jumps
	Clerk	Sue Blair
		Angie Kelly
	CV Police Chief	Bret Cottrell

ALSO PRESENT TO SPEAK: Tom Deats
 Ann Pitinga
 Kristin McDonald

Public Comment – Tom Deats addressed the Trustees about the code of conduct. He said it feels as though the document wants to limit what commissioners do. Mr. Deats outlined that there are no definitions of the administrative duties or functions for each Trustee that are mentioned in the code. Mr. Deats stated that Bow Mar had a high level of intellect and income and this should imply a level of sophistication: people shouldn't need code to outline how to treat each other.

Ann Pitinga read from a written statement that can be obtained in full from the Town Clerk. The statement was over the allotted 3-minute speaking time but Mayor Feldkamp agreed that Ms. Pitinga could read her entire written statement at the request of Commissioner Justen as well by several individuals of the public attending the meeting. Ms. Pitinga's statement addressed the July Board of Trustees meeting minutes and outlined the CORA (Colorado Open Records Act) request she submitted and what information she was looking to obtain from that request. She also noted that she was unhappy with having to file a CORA request to obtain the financial information she was requesting as she feels it should have been given to her previously without a CORA request. Ms. Pitinga objected to the statement as to how she obtained information about the GGP Escrow account, to which she spoke at the July 18 meeting. Ms. Pitinga is questioning the availability of information from the Town to the residents.

Kristin McDonald thanked the Krenz's for bringing their project forward. Ms. McDonald also stated that she feels any Trustee directly abutting the property should recuse themselves from the vote.

Resolutions – Approve Code of Conduct: Commissioner Fabricant introduced the Code of Conduct that he and Attorney Jumps prepared. The code is intended to outline interaction with each other, with the public and with other municipalities. Commissioner Fabricant moved to proceed with the approval of the presented Code of Conduct. Upon a second by Commissioner Dennis, discussion took place. Commissioner Carlson asked about the roles and responsibilities being outlined for the Mayor but why not for the Trustees? Attorney Jumps said that the rationale is the Mayor's role is set forth in code and in state statute and Trustee roles are not. Outlining these roles would be the next step in a future document yet would not be appropriate in this document. Commissioner Cole stated she would like the organizational chart in the Code of Conduct as it is in the adopted comprehensive plan. Attorney Jumps noted that the comprehensive plan is an advisory document and should not be seen as code or law and adding the chart to the Code of Conduct may cause these lines to be crossed. Commissioner Justen commented that the document is a long document which was received late Friday afternoon and she has a number of questions still unanswered. She does not feel this the forum to discuss these questions. Commissioner Justen Offered that the solution is a work session to review questions. Commissioner Carlson agreed. Commissioner Dennis also agreed to work session if that makes people more comfortable. A vote was tabled until after the work session.

Approve IGA with Columbine Valley to provide Building Department Services: Commissioner Carlson noted that this was tabled last month because Attorney Jumps and Mayor Feldkamp were absent from the meeting. Commissioner Carlson noted that she has heard comments about the price being too high and residents being unsure as to how the process will work. Commissioner Carlson noted that \$250,000 was collected in the last 2 ½ years and the projects are getting bigger and more intricate. Since she works full time, it has become apparent that the Town needs an office during regular business hours to service residents and contractors. It was also noted that this is an area to bring professionalism to the Town and the building permit process. Commissioner Carlson explained that contractors and residents only go to the Town of Columbine Valley (CV) after the variance process and the ACC process. It was also noted that Terry Weis will still be the building inspector. Bow Mar is not losing control; they are just working in tandem with CV. Commissioner Carlson moved to approve the IGA with Columbine Valley to provide Building Department Services. Upon a second by Commissioner Fabricant, further discussion took place. Mayor Feldkamp thanked Jane for her continued work as building commissioner and noted the Bow Mar was lucky to have her. Commissioner Dennis added that is a good idea to gain consistency from one building commissioner to the next. Of importance is that this will also add licensing requirements for contractors. Commissioner Justen asked about the scope of work needed to have to get a license or permit, specifically small jobs such as water heater replacements or handyman projects. Commissioner Carlson noted that any work needing a permit would also require the contractor to get a license, at a cost of \$100 per year. Commissioner Dennis said she is more comfortable with the 6-month termination clause just in case there is a downturn in the economy. Commissioner Cole said that she is concerned about amount of money Bow Mar is paying CV if permit numbers go down and thinks \$40,000 is a lot of money. Commissioner Justen asked if the \$40,000 is buying additional service that is not

already provided by Commissioner Carlson and Mr. Weis. Commissioner Carlson noted that CV is providing licensing and digitizing new licenses and permits, so there are additional services. Mr. Weis noted that all contractors to have \$1,000,000 liability insurance for licensing and this will help homeowners. Commissioner Justen also asked when the Trustees can expect to see the information about contractor licensing? Commissioner Carlson noted that the item will be addressed next month. Commissioner Justen is concerned about the \$40,000 and is having hard time reconciling this for what services are received. Commissioner Fabricant noted that the benefit of licensing outweighs the cost of IGA in the event that someone brings a suit against the Town. Commissioner Justen then noted that no other options were presented as an alternative to this IGA. She offered that some residents in Bow Mar would take administration tasks for the building commissioner. Commissioner Fabricant noted that no other options have been requested in the 3 months of discussion on this topic and feels this should have been requested sooner had it been an issue. Commissioner Justen noted that no significant discussion of the details of the IGA had taken place until this meeting. Commissioner Dennis noted that through August 2016, Bow Mar has collected over \$100,000 in permit fees so the permits can cover the \$40,000. Commissioner Cole asked to clarify if a 6-month termination clause was in the agreement and questioned if the Town appropriated money in budget for this? Commissioner Dennis noted that you can terminate with 6 months notice and that the previous budget anticipated \$100,000 for CV.

Given the initial motion by Commissioner Carlson and second by Commissioner Fabricant, a roll call vote was taken:

McLaughlin – yes

Cole - yes

Justen – yes

Fabricant - yes

Carlson – yes

Dennis - yes

Variance –

First Reading:

5020 W Wagon Trail for a 6ft variance on the northeast side of the home for a 480 sq. ft. addition. Topic needs to be continued as the homeowner had to go out of town.

4440 Longhorn for a 2'5" variance to the east side of the home for a bedroom addition. Commissioner Carlson noted that the way the house sits on lot means that if the homeowner added the addition to stay within lot line the house would have a jagged wall. The plans were already reviewed and approved by Architectural Control Committee. The homeowner spoke with both neighbors on either side of the house and both had no objection to the plans. Commissioner Carlson moved to approve the variance and move forward to the 2nd reading next month. Upon a second by Commissioner Justen, a vote was taken and the motion carried unanimously. (Carlson/Justen/Unanimous)

Second Reading:

Public hearing to approve town's building code: Commissioner Carlson noted that to move forward with IGA with CV, Bow Mar needs to adopt 2015 International Building Code. Attorney Jumps read the ordinance title: An ordinance for the Town of Bow Mar,

Colorado, concerning the adoption of the International Code Council's 2015 International Building Code, the International Code Council's 2015 International Fire Code; the 2014 National Electric Code; the American National Standard Institute/American Society of Mechanical Engineers (ASME) A17.1 2007 Safety Code for Elevators; ASME A17.3 2005 and ASME A18.1 2005; providing penalties for violations thereto; adopting amendments; and providing notice that copies thereof; as amended or revised by the Town, shall be on file in the office of the Town Clerk and may be inspected during regular business hours. Commissioner Carlson moved to adopt the ordinance. Upon a second by Commissioner McLaughlin, discussion took place. Commissioner Justen asked when 1st reading was and Commissioner Carlson answered that it was in July. Town Clerk Blair noted that the required publications were completed for the ordinance. Mayor Feldkamp opened the public hearing at 8:03pm. Public comment – it was asked where the ordinance was published. Clerk Blair reported that it was published in the Bulletin, Denver Post 15 days prior to the 2nd reading, and the Littleton Independent 8 days prior to the reading. Mayor Feldkamp outlined that this is getting building codes to up to date to match CV, except where Bow Mar consciously deciding to be different. Attorney Jumps noted that most contractors are following these codes anyway, since the last code was adopted in Bow Mar in 2000. There being no further public comment, Mayor Feldkamp closed the public hearing 8:07pm. Given the motion by Commissioner Carlson and second by Commissioner McLaughlin, a vote was taken and carried unanimously. (Carlson/McLaughlin/Unanimous).

Street cut permit at 5190 Lakeshore to move the driveway: Being the second reading, the contractor noted that most of the information was presented at the 1st reading. He did present the requested letter from the project engineer stating that moving the driveway would provide for a safer location for the driveway. Commissioner Fabricant read the engineer's letter aloud. Commissioner Justen questioned if this was the only driveway for new house? The contractor answered affirmatively. Commissioner McLaughlin commented that she appreciates the comments from engineer, however, has heard from surrounding residents is that would like to see driveway stay where it is. She also noted that Lakeshore is a busy road and people drive fast down this road and that it is difficult to see at the curve. Commissioner McLaughlin requested that the homeowner mark where the cut is going so people can review the location. Commissioner Fabricant noted that the homeowner had met all Code requirements in their request and this should not wait until the next meeting for a vote. Commissioner Dennis addressed the previously mentioned recusal. Commissioner Justen noted that, in general, recusal is needed only when a Trustee has financial interest in an item under consideration. Commissioner Fabricant stated that the Trustees vote in the best interest of the Town and does not feel that Commissioner McLaughlin needed to recuse herself.

Commissioner Fabricant moved to approve the street cut for 5190 Lakeshore. Upon a second by Commissioner Dennis, a roll call vote was taken.

Dennis – yes	Carlson - yes
Fabricant – yes	Justen - no
Cole – yes	McLaughlin - no

Trustee Carlson discussed the requested variance for 4995 Larkspur Drive. In summary, due to drainage issues, it is necessary to raise the height variance an additional 10" – for a total 3' variance. The drainage will be retained on the site.

A motion was made to approve the variance for 4995 Larkspur. Upon a second by Commissioner Fabricant, a vote was taken and the motion carried unanimously. (Carlson/Fabricant/Unanimous).

Consent Agenda – The Minutes of the Regular Meeting held on August 15, 2016 were unanimously approved by motion as presented.

The Treasurer's Report and payments made in August were approved unanimously by motion. Justen asked for more information regarding the CRS bill and the CORA request. General clerk services were \$5,300. Use tax was \$876. CORA \$2,700. Commissioner Justen said that CORA noted 7 hours of work and 1st hour free so the numbers didn't make sense. Attorney Jumps noted that outside counsel was used to ensure CORA request was handled appropriately. Commissioner Carlson asked about two checks: \$400 for Elizabeth Justen and Peter Duray-Bito. Commissioner Dennis noted that May and June website billing was Justen and Peter was paying for the dot.gov website. Commissioner Justen further clarified that the fee likely is the registration of the bowmar.gov URL. Clerk Blair will check if the invoice to Peter is valid before releasing the check.

Commissioner Reports:

Public Safety – Commissioner Cole recognized Officer Stacey with CV Police for noticing an issue a leaking water line. Commissioner Cole also noted that the Police as well as Bow Mar neighbors were to be commended for helping older people in the neighborhood get needed medical attention. Chief Cottrell noted that Officer Milliman was promoted to Sargent. Commissioner Justen commended Commissioner Cole for pointing out neighbors watching out for each other as that is what Bow Mar is all about.

The public safety report and Police Chief's reports were approved unanimously by motion.

Finance – Commissioner Dennis reported that for the month of August, the total revenues were 98% of the year-to-date budgeted amount while operating expenses were at 44%. General government was 69% of budget, public safety 66%, parks and rec 79%, and public works 14%.

Total year-to-date operating surplus was \$387,711 and the net non-recurring income (building permits/road impact fees less building inspection expense) of \$164,850 results in a total year-to-date surplus of \$552,561.

It should be noted, the public works is below budget because we have not yet received the invoice for the road repairs on Lakeshore and Bow Mar Drive. Also of note was the higher than normal clerk expense of \$8,939 which included \$876 to work on a possible Use Tax and \$2,700 previously mentioned to respond to a Colorado Open Records Act request.

Commissioner Cole asked that the road impact fee to move to public works and recorded as a net non-recurring expense. Commissioner Dennis noted that the road impact fees are non-recurring revenue and the public works section is an expense section of the financials so it was agreed to change the title at its current location to Building Permit and Road Impact Fees.

The August financials were approved unanimously by motion.

Building – Commissioner Carlson collected \$44,202 in fees this month for building permits. \$32,538 was also collected for road impact fees. 10 building permits were issued this month and 3 road impact fees. Commissioner Carlson noted that tree removal at the Cherney property was an issue some residents brought up to her. She noted that the Town trees will be replaced with trees of the same size caliper once the project is finished. Commissioner Cole also noted that residents called and are unhappy with how trucks are leaving the Town. Commissioner Carlson noted that she has asked trucks to use Bow Mar Drive. The work on a home on Juniper has stopped due to a change in plans. The new plans will be submitted for approval once changes are made.

The building report was approved unanimously by motion.

Parks and Recreation - Commissioner McLaughlin noted the water line break along Sheridan. The Town is up to date on general maintenance items. Also noted was that another pass through the Town and Mary's Meadow by vegetation management will take place soon.

The parks and recreation report was approved unanimously by motion.

Public Works – Commissioner Fabricant commented that the speed bump on Lakeshore has been raised and marked. The other item of discussion is the drainage study from Bowman Consulting. Commissioner Fabricant reviewed the drainage issue at lower Lakeshore Drive in which there are 4 culverts that are 12 inches in diameter. The system takes drainage from one side of Lakeshore Drive to other side of Lakeshore and drains it into the lake. Next month Bowman Consulting will be present the study and options to the Trustees. There are 4 courses of action to that can be taken to preserve Lakeshore Drive. Commissioner Fabricant explained the 4 options: Number one, do nothing; leave the system as is and lower Lakeshore Drive has a 5-year lifespan; second the Town can ask the homeowners to do maintenance on their respective drains and keep the culverts clear; third, when the Town repaves lower Lakeshore Drive, the culverts can be increased to 18"; or, finally, the Town can recreate the drainage ditch and dig out the area along Lakeshore as it was originally intended. Commissioner Fabricant also noted that Bowman Consulting can perform a financial analysis on these options.

The public works report was approved unanimously by motion. (Unanimous).

Intergovernmental – Commissioner Justen reviewed her written report. The DRCOG next meeting is Wednesday. The August meeting dealt with transportation issues. Commissioner Justen noted that a very important alert from the Colorado Secretary of State was issued: an automated call is being made by a group that identifies themselves closely to how the State identifies themselves. The call is telling voters that their registration is incorrect and needs to be updated. The group asks for private and personal information; including social security numbers, date of birth, etc. Secretary Williams noted this is not state procedure and people should not give this information over the phone.

The intergovernmental report was approved unanimously by motion. (Unanimous).

Attorney Reports – Attorney Jumps noted that the meeting code out of date and needs to be updated.

Attorney Jumps discussed CORA requests. Based on the recent CORA request, he reviewed the policy and noted that the Bow Mar fee schedule is in violation of law and needs to be changed. He noted that everyone took the previous request very seriously and worked to get the requestor all of the information available. If further information is requested from this CORA request, please put forth a further CORA request. Attorney Jumps also noted that the Town is working to be as open as possible and is not working to hide any information. Commissioner Dennis then noted she would like to review the timeline of the CORA request. On June 27, Town CPA, John Penaligon, sent an email to Commissioner McLaughlin with requested financial information. Then at the July 18th meeting, this financial information was brought up by a resident that should not have been given the information. The Mayor, Clerk, Town Attorney, and Finance Commissioner were unaware that this information had been released and the Town CPA was not told that Commissioner McLaughlin would be sharing it. The July 18th statement referred to a June 27th email from John Penaligon to Commission McLaughlin and included information from a report run for her that allowed the speaker the level of detail used in her statement. On July 20th, a CORA request was then made for further financial information. The information requested was delivered to the requestor on July 25th. Prior to the CORA request, no information was given to Ms. Pitinga and her statement regarding the audit was made before the CORA requested information was given. During this discussion, Commissioner McLaughlin did say that she did not give the information to Ms. Pitinga but she admitted sharing the June 27th email with a couple of other Trustees. Commissioner Dennis said that knowing the exact amount of deposits and payments (as Ms. Pitinga did) for 2014 and 2015 would only possible with that June 27 report from the town CPA. Attorney Jumps repeated that everyone is trying to do their jobs and do them well: nobody is hiding any information. Attorney Jumps went further to say that since the election, the only thing occurring in meetings is pointing fingers and being divisive. He stated that it is ok to point out when something is done wrong but that nobody is doing anything against law or wrong. Being constantly questioned on all aspects of the job and trying to catch people doing something wrong is not productive and ineffective for the Town.

Clerk Comments – Clerk Blair noted the next regular meeting will be Monday, October 17, 2016. She also noted that the cattle permit and payment was received.

Clerk Blair reported that a request was made from a resident that board packets be sent to her electronically. Clerk Blair outlined that the agenda will be distributed but sending the entire packet is not required and should not be sent to residents.

Mayor's Report – Mayor Feldkamp received a comment from a resident that the Town should move forward with a flipper fee. The request was that flippers should give \$50,000 to Bow Mar if they have not lived in the home for 2 years. The Mayor noted that he can see point that residents have made and will review further with BMOI.

BMOI Report – Ed LoCricchio noted that work is being done to close down beach for the season. The transition has started for Merle to take over as beach manger. BMOI is still working toward a start date for the marina renovation. BMOI will give sufficient notice for

people to remove boats from the Marina. Finally, BMOI will be presenting updated Bylaws in the coming weeks.

Old Business:

Discussion allowing bicycles to treat stop signs like yield signs. Commissioner Fabricant brought this up but had to leave the meeting before this item came up. This is tabled until October.

Metro Trail Project Funding. Commissioner McLaughlin noted tabled until this meeting, given the Mayor was absent from the last meeting. This project was previously discussed and it was requested that the Town authorize the use of \$40,000 from the Jefferson County Open Space Fund to be used toward a planning and trail connect project. The trail is planned to encircle the entire metro area and be approximately 150-200 miles of trail. Commissioner McLaughlin noted that the reason she is requesting the funds now is that this is an opportune time to use the money being held by Jefferson County to help start the project. This Open Space Fund cannot be used currently in Bow Mar since there are no community parks/open space. Bow Mar has about \$580,000 of this money. Commissioner Justen moved to allot \$40,000 in support of the project. Commissioner Carlson seconded the motion and discussion took place. Commissioner Dennis requested that a committee be formed to review options for the remaining money in the fund: can the Town build a trail down the bridal path for walkers and bikers? Commissioner McLaughlin reminded the Trustees that the trail would have to be designated as public if the money was used from this fund. Commissioner Dennis asked that a committee review the options.

Given the motion and second, a vote was taken and the motion passed unanimously.

Reauthorize Funding of New Lighting/Repairs to Sheridan and Bellevue Entrances. Commissioner McLaughlin is asking for reauthorization for \$9,400 for lighting repairs to the entrances. It was noted that the funds can be moved from 2015 to 2016 without another vote and the Trustees agreed to spend this money as requested. Commissioner McLaughlin will obtain bids for the work.

Bowman Drainage Study Updates. Already addressed

Update on Road Work. Commissioner Fabricant had to leave the meeting and will review this in October.

New Business:

Annexation of Mary's Meadow Rick Pilgrim brought information to the Trustees and outlined the existing boundaries of property owned by Denver and Bow Mar. He noted that due to previous legislation, Denver can only give away 250 acres of land. Therefore, Denver does not want to give Mary's Meadow to Bow Mar, as this would take up 57 acres of the land Denver has to give. Mr. Pilgrim is asking the board to endorse his desire to contact the City of Denver and work to get the Mary's Meadow annexation done this year. Commissioner Justen moved to

authorize this action by Mr. Pilgrim. Upon a second from Commissioner Cole, a vote was taken and the motion carried unanimously.

US 85 (Santa Fe Drive) Improvement Project. Mr. Pilgrim also discussed US 85. He noted that nothing is planned for Santa Fe near Bow Mar. He would like to work with surrounding areas to complete a study of US 85 from 470 to Mineral. He feels the Sterling Ranch development will impact the traffic near Bow Mar on Santa Fe. He proposed to contact the Littleton Mayor and other surrounding governments. He is asking if Bow Mar is in support of this action. Commissioner Justen asked if the biggest impact is the traffic situation? Mr. Pilgrim responded affirmatively and noted that Santa Fe is an eyesore near the Bowles intersection. Commissioner Cole asked where Arapahoe County stand on this? Mr. Pilgrim noted that they concentrate further to the east. Commissioner Justen moved to support Mr. Pilgrim in this action. Upon a second by Commissioner Carlson, a vote was taken and the motion carried unanimously.

Discussion on modifying construction working hours on weekends. The current hours are Monday-Friday: 7a-7p. and weekends/holidays are 8a-5p. This item is tabled until October.

Discussion on formally designating a construction vehicle route in Bow Mar. This item is tabled until October.

Executive Session: Not needed.

Adjournment There being no further business, the meeting was adjourned at 9:49 p.m.
(Unanimous).

Tom Feldkamp, Mayor

Sue Blair, Town Clerk